

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 213

February 6, 1947.
Public Libraries.

By TROEGER, POSTON, BEARDSLEY,
LUNDY, LAWRENCE, GANNAWAY.

A BILL FOR

An Act to provide for the establishment and maintenance of free public libraries for the use of rural inhabitants of counties.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Counties may provide for the formation and
2 maintenance of free public libraries open to the use of all
3 inhabitants under proper regulations, and may purchase, erect,
4 or rent buildings or rooms suitable for this purpose and provide
5 for the compensation of necessary employees.

1 Sec. 2. A county library district may be established,
2 composed of any part of the area of one or more counties outside
3 of cities and towns and may include therein any part of the area
4 of any such city or town. Five percent of the electors, as
5 determined by the vote for governor at the last general election,
6 may petition the governing body or bodies having jurisdiction of
7 the area comprising such district for the establishment of such
8 county library. Said petition shall clearly designate the limits
9 of such district. Upon receipt and verification of said petition
10 the governing body or bodies of such area shall submit the
11 proposition to the electors within such area at the next general
12 election if said election occurs not less than forty days after

13 the filing of said petition. A county library district shall be
14 established if a majority of the electors in such proposed
15 district vote in favor of such proposal.

1 Sec. 3. Counties may receive, hold and dispose of all gifts,
2 donations, devises, and bequests that may be made to them for the
3 purpose of establishing, increasing, or improving any library.
4 When the conditions thereof have been accepted by the county,
5 their performance may be enforced by the library board by an
6 action of mandamus against the board of supervisors or by other
7 proper action. The county board of supervisors may apply the
8 profits accruing therefrom to best promote the prosperity and
9 utility of the library.

1 Sec. 4. A county library board of trustees shall be
2 appointed consisting of five, seven, or nine electors of the
3 library district. Said appointments shall be made by the
4 governing body or bodies of the taxing units comprising said
5 districts and membership on the board shall be apportioned
6 among the taxing units to be served in proportion to the
7 population of the separate units.

1 Sec. 5. Of said trustees so appointed on boards to consist
2 of nine members, three shall hold ojce for two years, three
3 for four years, and three for six years ; on boards to consist of
4 seven members, two shall hold office for two years, two for four
5 years, and three for six years ; and on boards to consist of five
6 members, one shall hold office for two years, two for four years,
7 and two for six years, from the first day of July following their

8 appointment in each case. At their first meeting they shall cast
9 lots for their respective terms, reporting the result of such lot
10 to the board of supervisors. All subsequent appointments, what-
11 ever the size of the board, shall be for terms of six years each.
12 Vacancies shall be filled for unexpired terms by the governing
13 body of the taxing unit of the district represented by the
14 retiring member.

1 Sec. 6. The board of library trustees may declare the office
2 of a trustee vacant by his removal from the library district or
3 his unexplained absence from six consecutive regular meetings.

1 Sec. 7. Members of said board shall receive no compensation
2 for their services.

1 Sec. 8. Said board of library trustees shall have and
2 exercise the following powers:

- 3 1. To meet and organize by the election of one of their
4 number as president of the board, and by the election of a
5 secretary and such other officers as the board may deem necessary.
- 6 2. To have charge, and supervision of the public library,
7 its appurtenances and fixtures, and rooms containing the same,
8 directing and controlling all the affairs of such library.
- 9 3. To employ a librarian, such assistants and employees as
10 may be necessary for the proper management of said library, and
11 fix their compensation; but, prior to such employment, the
12 compensation of such librarian, assistants, and employees shall
13 be fixed for the term of employment by a majority of the members
14 of said board voting in favor thereof.

15 4. To remove such librarian, assistants, or employees by
16 a vote of two-thirds of such board for misdemeanor, incompetency,
17 or inattention to the duties of such employment.

18 5. To select and make purchases of books, pamphlets,
19 magazines, periodicals, papers, maps, journals, furniture,
20 fixtures, stationery, and supplies for such library.

21 6. To authorize the use of such libraries by school
22 corporations or by nonresidents of the area which is taxed to
23 support such libraries and to fix charges therefor.

24 7. To make and adopt, amend, modify, or repeal bylaws,
25 rules, and regulations, not inconsistent with law, for the care,
26 use, government, and management of such library and the business
27 of said board, fixing and enforcing penalties for the violation
28 thereof.

29 8. To have exclusive control of the expenditures of all
30 taxes levied for library purposes as provided by law, and of the
31 expenditures of all moneys available by gift or otherwise for the
32 erection of library buildings, and of all other moneys belonging
33 to the library fund, including fines and rentals collected under
34 the rules of the board of trustees. Said board shall keep a
35 record of its proceedings.

36 9. To accept gifts of any property, including trust funds;
37 to take the title to said property in the name of said library;
38 to execute deeds and bills of sale for the conveyance of said
39 property; and to expend the funds received by them from such
40 gifts, for the improvement of said library.

1 Sec. 9. Library service shall be accomplished by one or
2 more of the following methods in whole or in part:

3 1. By the establishment of depositories of books to be
4 loaned at stated times and places.

5 2. By the transportation of books by conveyances for
6 lending the same at stated times and places.

7 3. By the establishment of branch libraries for lending
8 books.

1 Sec. 10. The board of supervisors shall levy annually on
2 the taxable property of the county outside of any city or town
3 that maintains a free public library a tax of not more than two
4 mills for the establishment and maintenance of such county
5 library.

1 Sec. 11. All moneys received and set apart for the
2 maintenance of such library shall be deposited in the treasury
3 of such county to the credit of the library fund, and shall be
4 kept by the treasurer separate and apart from all other moneys,
5 and paid out upon orders of the board of trustees, signed
6 by its president and secretary.

7 Provided that where a free public library is maintained
8 jointly by the county and city or town for the support and
9 maintenance of which each contributes, the library trustees
10 may elect a library treasurer therefor, and it shall be the
11 duty of the city and county treasurers to pay over to said
12 library treasurer any and all library taxes that may be
13 collected by them monthly.

1 Sec. 12. The board of trustees shall, immediately after
2 the close of each fiscal year, make to the board of supervisors
3 a report containing a statement of the condition of the library,
4 the number of books added thereto, the number circulated, the
5 number not returned or lost, the amount of fines collected, and
6 the amount of money expended in the maintenance thereof during
7 such year, together with such further information as it may
8 deem important.

1 Sec. 13. In any county in which a free library has been
2 established, the board of library trustees may condemn real
3 estate in the name of the county for the location of library
4 buildings and branch libraries, and for the purpose of enlarging
5 the grounds thereof.

1 Sec. 14. The board of library trustees shall on or before
2 August 1 of each year certify to the governing body or bodies
3 of the county library district the amount in mills to be levied
4 on all the taxable property in each taxing unit of the district.
5 Said levy shall be determined by fixing the amount in dollars
6 to be raised in each taxing unit on a proportionate population
7 basis and from such amount the millage rate necessary to raise
8 such amount in said taxing unit. The governing bodies shall
9 make such levies accordingly for the following purposes:

10 1. Not to exceed two mills for a library maintenance fund.
11 Any unexpended balance in the library maintenance fund at the
12 end of the fiscal year shall remain in said fund and be available
13 without reappropriation.

14 2. Not to exceed three-fourths mills for a building fund.
15 Said fund shall be used only for the purchase of real estate and
16 to erect library buildings, to pay interest on any indebtedness,
17 and to create a sinking fund to retire such indebtedness. When
18 all indebtedness of the district has been fully paid, the
19 building fund may be used for improvements and repairs, to
20 pay rentals on leased space, and to establish and operate
21 branch libraries and stations in districts where no branch
22 library buildings have been acquired or erected. Any balance
23 in the building fund may be transferred to the maintenance
24 fund.

1 Sec. 15. The trustees of any county library district
2 may incur indebtedness for the purpose of purchasing real
3 estate and erecting library buildings.

EXPLANATION OF H. F. 213

This bill would give rural inhabitants of counties library service on the same basis as residents of cities and towns.

It would establish a library by the will of the people through petition and vote.

It would allow for the forming of library districts into compact service areas composed of all or parts of taxing units.

It would permit equality of representation on library boards.

It would provide a tax based on sharing the costs.